

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

)	
APPALACHIAN VOICES, et al.,)	
)	
Petitioners,)	
v.)	
)	No. 20-2187 (L)
UNITED STATES)	
ENVIRONMENTAL PROTECTION)	
AGENCY, et al.,)	
)	
Respondents.)	
)	

STATUS REPORT

Respondents (collectively, “EPA”) submit this status report in accordance with this Court’s April 8, 2022, order.

1. These consolidated petitions for review challenge an EPA rule entitled “Steam Electric Reconsideration Rule,” 85 Fed. Reg. 64,650 (Oct. 13, 2020).

2. In July 2021, EPA announced its intention to conduct a notice-and-comment rulemaking to reconsider the rule and moved to hold this case in abeyance pending completion of the rulemaking. Mot. to Hold Case in Abeyance (July 26, 2021), Doc. No. 62-1; 86 Fed. Reg. 41,801 (Aug. 3, 2021).

3. On April 8, 2022, the Court granted EPA’s motion and placed this case into abeyance pending the completion of EPA’s rulemaking. Order (Apr. 8,

2022), Doc. No. 83. The Court ordered EPA to file a status report on May 9, 2022, and at thirty-day intervals thereafter. *Id.*

4. Since the EPA's status report filed with this Court on April 18, 2024 (ECF 114), EPA has finalized the new rulemaking announced in July 2021. On May 9, 2024, the Federal Register published notice of EPA's proposed rulemaking. EPA, *Supplemental Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category*, 89 Fed. Reg. 40,198 (May 9, 2024). The rule becomes effective on July 8, 2024.

5. Because the reconsideration rulemaking only recently published, both EPA and likely other parties are still assessing the impact of the rulemaking on this litigation. Accordingly, the Court should continue to hold these petitions in abeyance. In accordance with this Court's April 8, 2022, order, EPA will file another status report in thirty days.

DATE: May 20, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2024, I filed the foregoing using the Court's CM/ECF system, which will electronically serve all counsel of record registered to use the CM/ECF system.

/s/ Kimere J. Kimball